

REMARKS

The examiner's withdrawal of the prior rejection over Thompson combined with Choi is acknowledged.

Amendments have been made to the claims to make them more commensurate with the disclosed invention.

The examiner rejected claims 1 and 22 under 35 USC 103(a) as being unpatentable over Thompson (US6192397) in view of Ahmadi (US5384777). The examiner is urged to reconsider and withdraw the rejection.

New independent claims 45 and 48 replace the original independent claims 1 and 22. New claims 45 and 48 require that any of a plurality of peer devices be capable of exchanging messages with any other of the plurality of peer devices using a CSMA contention-oriented service, and that a first device establish a contention-free interval for a contention free transmission from the first device to at least a second device. The exact claim language (which is common to both claim 45 and 48) is:

having a first device, which can be any of the plurality of peer devices, transmit messages to at least a second device, which can be any other of the plurality of peer devices, over the medium using a CSMA contention-oriented service to establish a contention-free interval within the CSMA contention-oriented service for use by the first device for a contention-free transmission between the first device and at least the second device, and

Furthermore, the claims require that other peer devices be made aware of the established contention-free interval and refrain from contending during the interval. The claim language is as follows:

wherein at least some of the other peer devices are made aware of the contention-free interval and refrain from contending during the interval.

Thompson is fundamentally different from the subject matter of claims 45 and 48.

Thompson does provide a mechanism in a CSMA environment whereby two peers may decide to establish between themselves a master/slave relationship in order to expedite communication between the two stations. But no other peers are informed of that relationship, and so other peers will not refrain from communicating, and so collisions may occur (col. 3; lines 4-10; col. 5, line 50 to col. 6, line 40). Thus, Thompson does not teach establishing a "contention-free interval", as required by the claims. It does not teach that "other peer devices are made aware of the contention-free interval and refrain from contending during the interval".

The examiner appears to agree that Thomson does not make other peer devices aware of the contention-free interval, but the examiner still maintains that a contention-free interval is established. That is simply not the case. By not making the other peer devices aware of the contention-free interval, the other devices will contend, and collisions will occur. Hence a contention-free interval has not been established.

Just as was the case with the examiner's prior supporting reference, Choi, the examiner's latest supporting reference, Ahmadi, teaches nothing that makes up for the shortcomings of Thompson -- nothing that would cause the hypothetical person of ordinary skill to modify Thompson to establish a contention free interval within a CSMA network. Ahmadi teaches a TDMA network, in which every frame has three prescribed periods (A for outbound transmissions, B for inbound transmissions, and C for contention traffic). Periods A and B are always contention-free, as the TDMA network prescribes them as such. Only within period C is there any contention-based network traffic, and yet nothing is suggested for providing contention free intervals within that period. So, what the person of ordinary skill would learn from Ahmadi is to use the prescribed time periods of a TDMA network for providing contention free intervals - exactly the opposite of the invention. Thus, any combination of Ahmadi with Thompson would lead one skilled in the art further away from, not closer, to the claimed invention.

The remaining claims are all properly dependent on one or more of the independent claims, and thus allowable therewith. Each of the dependent claims adds one or more further limitations that enhance patentability, but those limitations are not presently relied upon. For

Applicant : Lawrence W. Yonge III
Serial No. : 09/632,609
Filed : August 4, 2000
Page : 14 of 14

Attorney's Docket No.: 04838-062001

that reason, and not because applicants agree with the examiner, no rebuttal is offered to the examiner's reasons for rejecting the dependent claims.

Allowance of the application is requested.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 16 Oct 2004

G. Roger Lee, Reg. No. 54,756
for G. Roger Lee
Reg. No. 28,963

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

20952147.doc